GREMILLION EYING REQUEST

N.O. Bar Asks Probe of O'Hara

By BILL LYNCH
(States-Item Bureau)

BATON ROUGE—The New Orleans Bar Association has asked State Attorney General Jack P. F. Gremillion to investigate Orleans Criminal District Judge Malcolm V. O'Hara, the States-Item learned today.

Gremillion said that he has taken the request under advisement and is writing the bar association for more information on the group's resolution and any evidence it might have.

The bar association called for the state probe as an outgrowth of testimony Judge O'Hara gave in Chicago, revealing he was the messenger for a convicted criminal in an alleged effort to win freedom for Teamster Union boss James Hoffa.

Charles J. McCabe, president of the bar association, asked for investigation of O'Hara under Article 9 Section 5 of the State Constitution.

IN A LETTER TO THE attorney general, McCabe said:

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"The members of the executive committee of the New Orleans Bar Association have read and considered the recent testimony of the honorable Malcolm V. O'Hara, judge of the Criminal District Court, Parish of Orleans, which testimony was given on Aug. 21, 1967, in the Federal District Court in Chicago, Ill.

"Our association is of the opinion that the disclosures therein contained require your investigation under the provisions of Section 5 of Article 9 of the Louisiana State Constitution and, consequently, we urge that you take whatever action you deem necessary under the circumstances.

"The executive committee also by said resolution directed that this letter be written."

GREMILLION SAID THE letter was received by him this morning. It was dated Sept. 14 and received in the attorney general's office on Sept. 15.

The attorney general said, "I have received the letter and I have taken the matter under advisement. I will write for a copy of the resolution and testimony that they refer to and for any other evidence that they might have."

He added that he was preparing the letter of response today.

Gremillion may initiate the investigation at his discretion, but he must conduct such a probe if at least 25 citizens request it—or if one is asked by half the members of the bar or by the governor.

ARTICLE 9, SECTION 5 of the State Constitution pertaining to justices of courts and their removal says:

"For any of the causes specified in Section 1 hereof, the judges of the courts of record may be removed by judgment of the Supreme Court, which is hereby vested with original jurisdiction therein, and may make such rules for the speedy and economical trial thereof as it deems proper.

"Such suits may be instituted by the attorney general or district attorney, in his discretion, and he shall do so when requested in writing by the governor, or 25 citizens and taxpayers, or one-half of the practicing attorneys residing within the district from which any judge was elected."

Under section 1, the causes for removal of a judge are:

"ALL STATE AND DISTRICT officers, whether elected or appointed shall be liable to impeachment for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, or oppression in office, or for gross misconduct, or habitual drunkenness.

Judge O'Hara testified in federal court that he was a companion of Zachary Strate, convicted criminal, and had his expenses paid by Strate.

The Chicago Federal Court hearing was a move by attorneys for Hoffa to upset his conviction and prison sentence, claiming illegal wiretap evidence was used against him.

The Metropolitan Crime Commission earlier asked Gov. John J. McKeithen to request Gremillion to investigate O'Hara, but the governor came back and said that the MCC could collect its own 25 names and achieve the same purpose.